

## **Title 49 CFR, Part 395**

### **Property Carrying Hours-of-Service**

**Who is subject to the hours of service rules?**

A carrier engaged in commerce within Utah if it is using:

- A vehicle or a vehicle combination with a gross vehicle weight rating over 10,000 lbs.;
- A vehicle able to transport 16 or more passengers, including the driver for hire;
- Transporting hazardous materials of a type or quantity that requires the vehicle to be placarded.

**Definitions**

“On duty time” is all time a driver spends performing work, or being ready to work, until being relieved by the carrier of all responsibility. “On duty” time also includes any compensated work performed by the driver for a non-motor carrier entity.

“Driving time” is all time spent at the driving controls of a commercial motor vehicle in operation.

“Off duty” means the driver has been relieved of all responsibilities and is not ready for work.

“Record of duty status” is the tracing of work hours by means of a graph, grid, log or an automatic on-board recording device.

“Time record” is a time card or other record showing the time the driver reports for duty each day, total hours the driver is on duty each day, time the driver is released from duty each day, and total time for preceding days if the driver is used for first time or intermittently.

**A motor carrier may not permit or require a driver to drive after:**

11 hours driving time following 10 consecutive hours off duty; being on duty 14 hours following 10 consecutive hours off duty; being on duty 60 hours in a 7 day period; being on duty 70 hours in any period of 8 consecutive days if the carrier operates every day of the week. Any 7 or 8-day period may restart after 34 consecutive hours off duty.

Time spent by a driver in a compensated non-motor carrier position is considered on duty time and must be included in the 14 and 60/70 hour rules. (Example: a part time position at a retail store.)

Calculation of the 14-hour limit includes all time except any off duty time of at least 10 consecutive hours or longer or any sleeper-berth time of at least 8 consecutive hours or longer.

**What record keeping is required?**

Motor carriers shall require every driver to record duty status in duplicate for each 24-hour period.

**What must be on the log?**

A record of duty status must:

- Be on specific grid or automatic on-board recorder;
- Be current to the last change of duty status;
- Have legible entries in driver's own handwriting;
- Show month, day, and year with total miles driven and
- Total hours in each duty status for each 24 hours of record;
- Show vehicle number, or state and license number of each vehicle operated during that 24-hour period;
- Have carrier(s) name, for whom work was performed, and beginning and finishing times for each carrier.

**What does a driver need to have with them?**

A driver is required to have in possession a record of duty status for the previous 7 consecutive days unless an exception from regulation is granted.

**How long must records of duty status be kept?**

Record of duty status, supporting documents and time cards must be maintained and retained by the carrier for a period of **six months**.

**Automatic on-board recording devices**

Automatic on-board recording devices must provide immediate status verification of time and sequence of duty, status changes, current hours of service and previous 7-day status. Electronic devices must follow the rules under Section 395.15.

**Short-haul operations:**

Drivers are exempt from keeping logbooks if all of the following requirements are met:

- Operates within 100 air-mile radius (115.08 miles) of the normal work reporting location;
- Returns to the same work reporting location and is relieved of duties within 12 hours;
- Does not exceed 11 hours driving;
- Ten consecutive hours off duty separate each 12 hours on duty; and
- Carrier maintains for a period of 6 months, true and accurate time records showing; start and ending times, total hours worked, total time for preceding seven days if driver is used for the first time or intermittently.

A driver may extend the 14 hour rule to 16 hours once every 7/8 day period, provided he does not drive after the 16<sup>th</sup> hour after coming on duty and keeps a log for that day.

**150 air-mile provision for non-CDL drivers**

Non-CDL drivers are exempt from keeping logbooks if all of the following requirements are met.

- Operates within 150 air-mile radius (172.06 miles) of the normal work reporting location;
- Does not exceed 11 hours driving;
- Ten consecutive hours off duty separate each on duty period;
- Does not drive after the 14<sup>th</sup> hour of coming on duty 5 days of any period of 7 consecutive days; and

- Carrier maintains for a period of **six months**, true and accurate time records showing; start and ending times, total hours worked, total time for preceding seven days if driver is used for the first time or intermittently.

A driver may extend the 14-hour rule to 16 hours twice in every 7 consecutive days provided he does not drive after the 16<sup>th</sup> hour and keeps a log for that day.

### Over hours and/or false logs

Drivers found driving in excess of maximum hours or failing to keep a proper record of duty status for current day and 7 prior consecutive days shall be put out of service. A driver that is out of service (OOS) shall not be required or permitted to drive and a driver may not drive a motor vehicle until the driver has hours available.

### Construction Zone

Utah has adopted the exemptions for agriculture operations, ground water well drilling, and utility service vehicles. For drivers involved primarily with the transportation of construction materials and equipment to an active construction site, within a 50 air-mile radius of the normal work reporting location; any 7 or 8-day period may end with the beginning of 24 or more consecutive hours off

### Rest Period Options

The driver may meet the rest requirements using one of the four options described in the table below:

Option 1	Off Duty Time 395.1(g)(1)(i)(A)(1)	At least 10 <u>consecutive</u> and <u>uninterrupted</u> hours off duty.
Option 2	Continuous Sleeper Berth Provision 395.1(g)(1)(i)(A)(1)	At least 10 <u>consecutive</u> and <u>uninterrupted</u> hours in the sleeper berth.
Option 3	Continuous Off Duty and sleeper Berth Provision 395.1(g)(1)(i)(A)(3)	At least 10 consecutive hours sleeper berth and off duty time combined and <u>uninterrupted</u> .
Option 4	Sleeper Berth Provision 395.1(g)(1)(i)(A)(4) and 395.1 (g)(1)(ii)	The equivalent of at least 10 consecutive hours off duty (equivalent means at least 8 hours but less than 10 consecutive hours in a sleeper berth <u>and</u> a separate period of at least 2 but less than 10 consecutive hours either in the sleeper berth or off duty, or any combination of both).

## Time Card – Log Book Combination (Part 395)

Company Name: \_\_\_\_\_

City: \_\_\_\_\_

Driver: \_\_\_\_\_

Date: \_\_\_\_\_

Job Name: \_\_\_\_\_

Total Miles: \_\_\_\_\_

Fuel: \_\_\_\_\_

Truck # \_\_\_\_\_

Pup # \_\_\_\_\_

Lunch: \_\_\_\_\_

Start Time: \_\_\_\_\_

End Time: \_\_\_\_\_

Total Hours: \_\_\_\_\_

Ticket #	Time Loaded	Weight/Time
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
Total		

### DRIVERS INSPECTION REPORT

Oil \_\_\_\_\_ Antifreeze \_\_\_\_\_ Mileage \_\_\_\_\_

#### Power Unit

- |   |  |
|---|--|
| <input type="checkbox"/> Service brakes including trailer connections | <input type="checkbox"/> Steering mechanism  |
| <input type="checkbox"/> Parking (hand) brake                         | <input type="checkbox"/> Tires               |
| <input type="checkbox"/> Lighting devices & reflectors                | <input type="checkbox"/> Windshield wipers   |
| <input type="checkbox"/> Horn   | <input type="checkbox"/> Coupling devices    |
| <input type="checkbox"/> Rear vision mirrors                          | <input type="checkbox"/> Emergency equipment |
|   | <input type="checkbox"/> Wheel and rims      |

#### Towed Unit(s)

- |   |   |
|---|---|
| <input type="checkbox"/> Service brakes including connections | <input type="checkbox"/> Tires            |
| <input type="checkbox"/> Brakes                               | <input type="checkbox"/> Coupling devices |
| <input type="checkbox"/> Lighting devices & reflectors        | <input type="checkbox"/> Cargo securement |
| <input type="checkbox"/> Wheels and rims                      |   |

Reporting Driver: \_\_\_\_\_

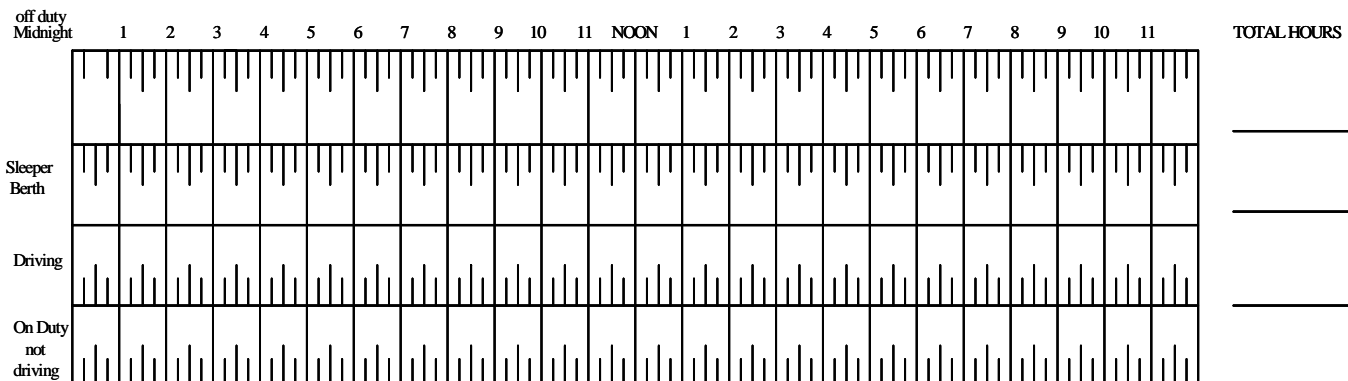
Maintenance Action:

☐ Repairs Made

☐ No Repairs Needed

Mechanics Signature: \_\_\_\_\_

Reviewing Driver: \_\_\_\_\_



When the exemption found in 395.1(e) is not met the above graph must be used. Example: when driver/operator exceeds the 12-hour exemption or travels beyond a 100-mile radius of home operation.

## DRIVER'S DAILY LOG

One calendar day - 24 hours

ORIGINAL - File each day at home terminal

DUPLICATE - Driver retains possession for one month

\_\_\_\_\_  
(Month)

\_\_\_\_\_  
(Day)

\_\_\_\_\_  
(Year)

\_\_\_\_\_  
(Total miles driving today)

\_\_\_\_\_  
(Vehicle numbers - (Show each unit))

I certify these entries are true and correct:

\_\_\_\_\_  
(Driver's signature in full)

\_\_\_\_\_  
(Name of Carrier or Carriers)

\_\_\_\_\_  
(Name of co-driver)

\_\_\_\_\_  
(Main Office Address)

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
1. OFF DUTY																									
2. SLEEPER BERTH																									
3. DRIVING																									
4. ON DUTY (Not Driving)																									
REMARKS																									

Pro or Shipping No. \_\_\_\_\_

# DRIVERS TIME RECORD FOR A PROPERTY CARRYING COMMERCIAL DRIVER

Driver's Name (print) \_\_\_\_\_ Employee No. \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_

**Driver's may prepare this report instead of the "drivers daily log" if the following applies:**

- The driver operates within a 100 air-mile radius of the normal work reporting location;
- The driver returns to the work reporting location and is released from work within 12 consecutive hours;
- The driver has at least 10 consecutive hours off duty separating each 12 hours on duty;
- The driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty;
- The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:
  - The time the driver reports for duty each day;
  - The total number of hours the driver is on duty each day;
  - The time the driver is released from duty each day; and
  - The total time for the proceeding 7 days in accordance with Part 395.8(j)(2) for drivers used for the first time or intermittently.

The driver may extend the 14 hour rule to 16 hours 1 day in a 7/8 day period provided he does not drive after the 16<sup>th</sup> hour of coming on duty and keeps a log for that day.

Date	Start Time All Duty	End Time All Duty	Total Hours	Truck #	Driving CMV Yes/No	Comments
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
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26						
27						
28						
29						
30						
31						

# DRIVERS TIME RECORD FOR A PROPERTY CARRYING NON-CDL COMMERCIAL DRIVER

Driver's Name (print) \_\_\_\_\_ Employee No. \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_

**Driver's may prepare this report instead of the "drivers daily log" if the following applies:**

- The driver operates within a 150 air-mile radius of the normal work reporting location;
- The driver has at least 10 consecutive hours off duty separating each duty tour;
- The driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty;
- The driver does not drive after the 14<sup>th</sup> hour of coming on duty 5 days of any period of 7 consecutive days
- The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:
  - The time the driver reports for duty each day;
  - The total number of hours the driver is on duty each day;
  - The time the driver is released from duty each day; and
  - The total time for the proceeding 7 days in accordance with Part 395.8(j)(2) for drivers used for the first time or intermittently.

The driver may extend the 14 hour rule 2 days in any 7 consecutive day period provided he does not drive after the 16<sup>th</sup> hour of coming on duty and keeps a log for those days.

Date	Start Time All Duty	End Time All Duty	Total Hours	Truck #	Driving CMV Yes/No	Comments
1						
2						
3						
4						
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## DRIVER STATEMENT OF ON-DUTY HOURS

INSTRUCTIONS: Motor carriers, when using a driver for the first time or intermittently, shall obtain from the driver a signed statement giving the total time on duty during the immediately preceding 7 days and time at which the driver was last relieved from duty prior to beginning work for the motor carrier as per Part 395.8(j)(2) Federal Motor Carrier Safety Regulations (FMCSR). NOTE: Hours for any compensated work during the preceding 7 days, including work for a non-motor carrier entity, must be recorded on this form.

Driver Name (Print): \_\_\_\_\_

Driver's License Number: \_\_\_\_\_ Class: \_\_\_\_\_ Endorsement(s): \_\_\_\_\_ Restriction(s): \_\_\_\_\_

Type of License: \_\_\_\_\_ Issuing State: \_\_\_\_\_

DAY	1 (Yesterday)	2	3	4	5	6	7	
DATE								
HOURS WORKED								TOTAL HOURS

I hereby certify that the information given above is correct to the best of my knowledge and belief and that I was last relieved from work at:

\_\_\_\_\_ On \_\_\_\_\_  
Time Day Month Year

\_\_\_\_\_ Date  
Driver's Signature

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INSTRUCTIONS: When employed by a motor carrier, a driver must report to the carrier all on duty time including time working for other employers. The definition of on duty time found in Section 395.2(8)(9) of the FMCSR's includes time performing any other work in the capacity of, or in the employ or service of, a common, contract or private motor carrier, also performing any compensated work for any non-motor carrier entity.

Are you currently work for another employer? ☐ Yes ☐ No

At this time do you intend to work for another employer while still employed by this company? ☐ Yes ☐ No

I hereby certify that the information given above is true and I understand that once I become employed with this company, if I begin working for any additional employer's for compensation that I must inform this company immediately of such employment activity.

\_\_\_\_\_  
Drivers Signature

\_\_\_\_\_  
Date